

1 XAVIER BECERRA
2 Attorney General of California
3 GARY S. BALEKJIAN
Supervising Deputy Attorney General
4 CATHERINE E. FLORES
Deputy Attorney General
State Bar No. 252240
300 South Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6502
6 Fax: (213) 897-1071
E-mail: Catherine.Flores@doj.ca.gov
7 *Attorneys for Defendant Department of Consumer
Affairs, Contractors State License Board*
8

9 CALVIN R. HOUSE
Gutierrez Preciado & House, LLP
10 State Bar No. 134902
3020 E. Colorado Blvd.
11 Pasadena, CA 91107
Telephone: (626) 449-2300
12 Fax: (626) 449-2330
E-mail: calvin.house@gphlawyers.com
13 *Attorneys for Defendant Steven Skogebo*

14
15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA
17
18

19 **SANTOSHA PADFIELD,**

20 Plaintiff,

21 v.
22

23 **DEPARTMENT OF CONSUMER
AFFAIRS, CONTRACTORS STATE
LICENCE BOARD, a California state
agency; STEVEN SKOGEBO, an
individual; and DOES 1-25, inclusive,**

24
25 Defendants.
26
27

28 Case No: 2:18-cv-08358

**JOINT NOTICE OF REMOVAL
OF CIVIL ACTION PURSUANT
TO 28 U.S.C. SECTIONS 1441 AND
1446 AND PURSUANT TO 28
U.S.C. SECTION 1332
(DIVERSITY)**

Action Filed: 8/28/2018

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF
2 RECORD:

3 PLEASE TAKE NOTICE that Defendant, DEPARTMENT OF CONSUMER
4 AFFAIRS, CONTRACTORS STATE LICENSE BOARD (hereinafter “CSLB”)
5 and Defendant STEVEN SKOGEBO (“Skogebo”) hereby jointly remove this
6 action to the United States District Court for the Central District of California,
7 pursuant to 28 U.S.C. §§ 1441 and 1446 on the grounds that diversity of citizenship
8 exists pursuant to 28 U.S.C. §1332.

9 Complete diversity of citizenship exists between Plaintiff SANTOSHA
10 PADFIELD (hereinafter “Plaintiff”), a citizen of the State of Tennessee, and
11 Defendant CSLB, a California state agency, and Defendant Skogebo, a resident of
12 California. The amount in controversy exceeds the jurisdictional minimum of
13 \$75,000 set forth in § 1332(a).

14 The foregoing facts are true as of the date of filing of this Notice of Removal,
15 as more fully set forth below.

16 1. On August 28, 2018, Plaintiff filed in the Superior Court of the State of
17 California, in and for the County of Los Angeles, a civil action entitled *Santosha*
18 *Padfield v. Department of Consumer Affairs, Contractors State License Board, a*
19 *California state agency, Steven Skogebo, an individual, and DOES 1-25, inclusive,*
20 Case No. BC718897 (the “Complaint”). A true and correct copy of the Summons
21 and Complaint filed by Plaintiff is attached hereto as Exhibit 1 and incorporated by
22 reference.

23 2. In the Complaint, Plaintiff alleged that she currently resides in the state
24 of Tennessee. (See Complaint, ¶ 2.) Defendant CSLB is a California state agency
25 located in California, and Defendant Skogebo was, at all relevant times, a
26 supervisory employee of CSLB residing in the County of Los Angeles. (See
27 Complaint, ¶¶ 5-7.)

28

1 3. SUBJECT MATTER JURISDICTION: Subject matter jurisdiction rests
2 with the federal courts in this action on the basis of diversity jurisdiction under 28
3 U.S.C. section 1332 and pursuant to 28 U.S.C. section 1441, subsection (b) in that
4 it is a civil action between citizens of different states and the amount in controversy
5 exceeds the sum of \$75,000, exclusive of interest and costs, as demonstrated by the
6 following:

7 (a) The citizenship of the fictitiously named defendants, identified as DOES 1
8 through 25 in the Complaint, should be disregarded for the purposes of this
9 removal. (See *Fristoe v. Reynolds Metals Co.* (9th Cir. 1980) 615 F.2d 1209, 1213
10 and 28 U.S.C. § 1441(a));

11 (b) Defendant CSLB is informed and believes, and on that basis alleges, that
12 Plaintiff is a resident of the State of Tennessee, County of Knox, and remains a
13 resident of the State of Tennessee as of the date of filing this Notice of Removal;

14 (c) Defendant CSLB was at the time of the filing of this action, and still is, a
15 California state agency, and Defendant Skogebo is a resident of California; and

16 (d) This Court's jurisdictional minimum, an amount in controversy in excess
17 of \$75,000, is satisfied by the following:

18 (i) The Court may, for removal purposes, look to the removal papers for
19 underlying facts establishing the jurisdictional limit. (*Gaus v. Miles, Inc.* (9th Cir.
20 1992) 980 F.2d 564, 567.) A removing defendant must show by a preponderance
21 of the evidence that the plaintiff's claim exceeds the jurisdictional minimum.
22 (*Sanchez v. Monumental Life Ins. Co.* (9th Cir. 1996) 102 F.3d 398, 403-404.)

23 (ii) This action arises out of Plaintiff's claim for damages for alleged (1)
24 harassment in violation of the Fair Employment and Housing Act; (2) failure to
25 take corrective action in violation of the Fair Employment and Housing Act; (3)
26 failure to prevent harassment in violation of the Fair Employment and Housing Act;
27 (4) retaliation in violation of the Fair Employment and Housing Act; and (5)
28 intentional infliction of emotional distress.

(iii) Plaintiff's Complaint seeks economic and non-economic damages, exemplary damages against Defendant Skogbo, interest, attorneys' fees, and for costs of suit. (See Complaint, Prayer for Relief at Page 8.)

(iv) Plaintiff alleges that she has suffered damages and injury as a proximate result of Defendants CSLB and Skogebo's alleged harassment, including lost wages, compensation and benefits, as well as anxiety, upset, anguish, humiliation and emotional distress, all in an amount that "exceeds the unlimited jurisdiction" of the Superior Court of California [\$25,000] to be proven at trial. (Complaint, p. 4, ¶ 16.)

(vi) Plaintiff alleges that she has suffered damages and injury as a proximate result of Defendant CSLB's alleged failure to take corrective action, including lost wages, compensation and benefits, as well as anxiety, upset, anguish, humiliation and emotional distress, all in an amount that "exceeds the unlimited jurisdiction" of the Superior Court of California [\$25,000] to be proven at trial. (Complaint, p. 5, ¶ 28.)

(iv) Plaintiff alleges that she has suffered damages and injury as a proximate result of Defendant CSLB's alleged failure to prevent harassment, including lost wages, compensation and benefits, as well as anxiety, upset, anguish, humiliation and emotional distress, all in an amount that "exceeds the unlimited jurisdiction" of the Superior Court of California [\$25,000] to be proven at trial. (Complaint, p. 6, ¶ 34.)

(iv) Plaintiff alleges that she has suffered damages and injury as a proximate result of Defendant CSLB's alleged retaliation, including lost wages, compensation and benefits, as well as anxiety, upset, anguish, humiliation and emotional distress, all in an amount that "exceeds the unlimited jurisdiction" of the Superior Court of California [\$25,000] to be proven at trial. (Complaint, p. 7, ¶ 40.)

1 (vi) Plaintiff alleges that she has suffered damages and injury as a
2 proximate result of Defendant Skogebo's alleged intentional infliction of emotional
3 distress, which caused her to suffer severe or extreme emotional distress, and
4 claims that as a result she is entitled to punitive damages pursuant to section 3294
5 of the California Civil Code. (Complaint, p. 8, ¶¶ 46, 48.)

6 Therefore, the alleged damages in this case exceed the jurisdictional minimum
7 of \$75,000.00.

8 4. VENUE: Venue is proper in the Central District of California pursuant to
9 28 U.S.C. § 1391(a) because Defendant CSLB is informed and believes, and on that
10 basis alleges, that a substantial part of the events or omissions giving rise to the
11 claim occurred in Los Angeles County, which is part of this judicial district. (See
12 Complaint, ¶ 1.) Moreover, venue is also proper in the Central District of California
13 pursuant to 28 U.S.C. §1441(a) which reads in part, "... any civil action ... may be
14 removed ... to the district court of the United States for the district and division
15 embracing the place where such action is pending." Los Angeles County is within
16 the jurisdiction of the Central District of California.

17 5. Therefore, Defendants CSLB and Skogebo file this Notice of Removal of
18 this action from the Superior Court of the State of California in and for the County
19 of Los Angeles, Central District, the court in which it is now pending, and removes
20 this action to the United States District Court for the Central District of California.

21 6. A true and correct copy of Defendant CSLB's Answer to Complaint for
22 Damages is attached hereto as Exhibit 2 and incorporated by reference.

23 7. A true and correct copy of Defendant Skogebo's Answer to Complaint
24 for Damages is attached hereto as Exhibit 3 and incorporated by reference.

25 8. Defendant CSLB is informed and believes, and thereon alleges, that other
26 than the pleadings attached to this Notice of Removal, no further pleadings,
27 process, or orders have been filed or served in this action.

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1 9. A Notice to State Court is being filed with the Superior Court of the
2 State of California in and for the County of Los Angeles, Central District, and will
3 be served on all parties. A true and correct copy of the Notice of Filing of Removal
4 served on the State Court and Plaintiff, without exhibits, is attached hereto as
5 Exhibit 4 and incorporated by reference.

6 10. All properly served defendants in this action consent to and join in this
7 removal.

8 11. This Notice of Removal is timely because it has been filed within thirty
9 (30) days after these Defendants were served with the Complaint.

10 WHEREFORE, Defendants CSLB and Skogebø pray that this action be
11 removed from the Superior Court of the State of California in and for the County of
12 Los Angeles, Central District and that this matter be removed to the United States
13 District Court for the Central District of California, County of Los Angeles.

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15 Dated: September 27, 2018

Respectfully submitted,

16 XAVIER BECERRA
17 Attorney General of California
18 GARY S. BALEKJIAN
19 Supervising Deputy Attorney General
20 /s/Catherine E. Flores

21 CATHERINE E. FLORES
22 Deputy Attorney General
23 *Attorneys for Defendant Department
24 of Consumer Affairs, Contractors
25 State License Board*

26 Gutierrez, Preciado, & House, LLP

27 /s/Calvin R. House

28 CALVIN R. HOUSE
LA2018502553
53083136.docx *Attorneys for Defendant Steven
Skogebø*